REMARKS/ARGUMENTS

In response to the Final Office Action mailed October 13, 2010, Applicants propose to amend their application and request reconsideration in view of the proposed amendments and the following remarks. In this amendment, claim 5 has been proposed to be amended, no claim has been cancelled without prejudice and no claims have been added so that claims 5, 6, 10-12 and 16 remain pending.

Claims 5 and 16 were rejected as being unpatentable over US Patent Application No. 2003/0088305 to Van Schie et al. (Van Schie)in view of US Patent No. 6,482,227 to Solovay (Solovay) and US Patent No. 6,132,457 to Chobotov (Chobotov). Claims 6 and 11-12 were rejected as being unpatentable over Van Schie, Solovay and Chobotov and further in view of U.S. Patent No. 5,711,960 to Shikinami. Claim 10 was rejected as being unpatentable over Van Schie in view of Solovay, Chobotov, Shikinami in further view of U.S. Patent No 5,476,507 to Wakabayashi et al. (Wakabayashi). These rejections are respectfully traversed.

In order to make a finding of obviousness, an Examiner must (1) determine the scope and content of the prior art, including non-analogous art if it is in the field of endeavor reasonably related to the particular problem to which the claimed invention is directed, (2) ascertain the differences between the claimed invention and the prior art, considering both the prior art and claimed invention as a whole, and (3) resolve the level of ordinary skill in the art at the time of the invention, factoring in the creativity that one of ordinary skill in the art would employ as well as the Examiner's own knowledge and technical expertise.

It is respectfully submitted that the references taken as a whole fail to disclose or suggest all of the claimed limitations.

Van Schie discloses a stent graft. The stent graft comprises a graft material tube and a number of self expanding stents. Stitches are utilized to attach the graft material to the stent. All other attachment devices are for attaching the delivery device to the stent graft.

Solovay also discloses a stent graft. In this patent staples are shown as an attachment means. These staples pass through the graft material (60 in Figure 10).

Chobotov discloses and endovascular graft. The graft comprises barrier sections defined by a distal support member, a proximal support member, a male longitudinal member, a female longitudinal member and a thin membrane. The thin membrane is attached to the support members by bonding with a suitable adhesive. What is illustrated in Figure 4 is an attachment device for connecting segments, not graft to stent.

Shikinami discloses an implant material which has a high mechanical strength and durability in these dimensions.

Wakabayashi discloses a vascular prosthesis with improved mechanical and biocompatible characteristics.

None of the references whether taken alone or in combination disclose or even remotely suggest the attachment device of the amended independent claim. Specifically, none of the references disclose or suggest a stent graft comprising one or more stent segments, each stent segment comprising a plurality of struts connected in a substantially zigzag pattern, wherein one or more struts in each stent segment comprises a reduced profile section, each of the stent segments having a gap therebetween; a biocompatible graft material affixed to the one or more stent segments, the graft material having indented sections in the regions of the gaps between the stent segments; and at least one attachment device for securing the biocompatible graft material to the one or more stent segments, the at least one attachment device comprising a deformable, partially tubular band having a slotted opening for accepting a portion of a strut and a portion of the biocompatible graft material, the deformable, partially tubular band having a substantially rectangular initial shape and being deformable to substantially surround and conform to the shape of the strut at the reduced profile section, thereby slidably engaging the graft material to the strut without puncturing either the graft material or the strut, the deformable, partially tubular band being configured to allow relative movement between the biocompatible graft material and the strut and configured to slidably secure the biocompatible graft material to the strut of the one or more stent segments.

None of the references disclose or suggest all of the elements of amended claim 5. The staple of Solovay starts out as a U shaped element and then is stapled through the graft material which is not the case in the present invention. Chobotov discloses a male/female locking system that also starts out in a predetermined shape that is different from the claimed invention which is deformable into its final shape. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,

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